

Message Text

CONFIDENTIAL

PAGE 01 STATE 030458

13-12

ORIGIN L-03

INFO OCT-01 ARA-06 IO-11 ISO-00 DHA-02 CIAE-00 DODE-00

PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /066 R

DRAFTED BY L/HR:CRUNYON:DSC

APPROVED BY L/HR:CRUNYON

IO/UNP:FCRAWFORD

ARA:GLISTER

ARA/BC: MR. DRISCOLL

D/HA:RPALMER

L/ARA:DGANTZ

L/UNA:RSTOWE

----- 102553

R 070253Z FEB 76

FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO AMEMBASSY SANTIAGO

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 030458

E.O. 11652: GDS

TAGS: CI, PINS, SHUM

SUBJECT: CHILEAN DECREE OF JANUARY 29: LEGAL ANALYSIS

REFS: A. SANTIAGO 745, B. SANTIAGO 833, C. STATE 24117

1. LEGAL ANALYSIS TEXT DECREE OF JAN. 29 SHOWS THAT DECREE DOES NOT PURPORT ADDRESS MANY IMPORTANT PROBLEMS RAISED BY UN AND IA HRC REPORTS AND RECOMMENDATIONS (HABEAS CORPUS, CHARGES, HEARING, COUNSEL, FAMILY ACCESS, CIVILIAN TRIAL, ETC.). WHILE EVIDENCING HELPFUL AWARENESS THAT TORTURE CAN BE ENDEMIC PROBLEM WHERE SECURITY SERVICES GIVEN ENOUGH LEEWAY, DECREE LEAVES BIG QUESTIONS, EVEN IN THIS AREA.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 030458

FOR EXAMPLE:

(A) WHAT WILL PREVENT DINA OR OTHER AGENTS FROM (1) TORTURE BY PSYCHOLOGICAL OR OTHER MEANS THAT LEAVE NO VISIBLE SIGNS OF TORTURE, (2) DELAYING DEPARTURES TO PERMIT SIGNS TO VANISH, (3) INFLUENCING THE PHYSICIANS?

(B) DO THE "LEGAL NORMS AND VALID REGULATIONS RELATIVE TO THE RIGHTS OF THE DETAINEES" APPLICABLE TO DETAINEES UNDER DECREE LAW 1009 OF 1975 ADEQUATELY PROTECT DETAINEES UNDERGOING INTERROGATION? E.G., FROM PHYSICAL AND PSYCHOLOGICAL ABUSE, BY ENSURING DETAINEE'S KNOWLEDGE OF HIS RIGHTS AND PROVIDING HIM EFFECTIVE MEANS ON HIS OWN INITIATIVE OF

COMPELLING RESPECT FOR THEM?

(C) HOW IN PRACTICE WILL MATTERS DEVELOP RESPECTING FREQUENCY AND SURPRISE FACTORS OF CHIEF JUSTICE'S AND JUSTICE MINISTRY VISITS?

2. DEPT ASSUMES MISSION HAS OR CAN SECURE COPY OF NEW DECREE FROM SECRETARIAT, CHILEANS OR INTERNATIONAL COMMISSION OF JURISTS. COPY OF DRAFT DEPT TRANSLATION WAS POUCHED TO MISSION FEB. 2 (REG. NO. 1562008).

3. DEPT WOULD APPRECIATE COPY ICJ COMMENTARY REFERRED TO IN PASSING BY WASHINGTON POST FEB 3 AS WELL AS ANY OTHER ANALYSES AVAILABLE. SISCO

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, POLICIES, LAW, PRISONERS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE030458
Document Source: CORE
Document Unique ID: 00
Drafter: CRUNYON:DSC
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760047-0989
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760271/aaaackis.tel
Line Count: 88
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 SANTIAGO 745, 76 SANTIAGO 833, 76 STATE 24117
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2004 by ifshinsr>; APPROVED <15 SEP 2004 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHILEAN DECREE OF JANUARY 29: LEGAL ANALYSIS
TAGS: PINS, SHUM, CI, IAHRC, UNHRC
To: GENEVA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006